



Texas Department of Insurance

Division of Workers' Compensation

Medical Fee Dispute Resolution, MS-48

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MEDICAL FEE DISPUTE RESOLUTION FINDINGS AND DECISION

GENERAL INFORMATION

Requestor Name

KELLY GRIFFIN WHITE, MD

Respondent Name

QBE INSURANCE CORPORATION

MFDR Tracking Number

M4-14-3136-01

Carrier's Austin Representative

Box Number 19

MFDR Date Received

JUNE 16, 2014

REQUESTOR'S POSITION SUMMARY

Requestor's Position Summary: "We billed code 01630 with QK modifier for the MD, Kellie Griffin White. This charge is not a duplicate to the patient's other claim for the CRNA, Robert Griggs with QX modifier. Per workers' comp guidelines, both claims should be billed and paid separately. Also, code 76942 is payable separately."

Amount in Dispute: \$651.12

RESPONDENT'S POSITION SUMMARY

Respondent's Position Summary: The respondent did not submit a response to this request for medical fee dispute resolution.

SUMMARY OF FINDINGS

Dates of Service	Disputed Services	Amount In Dispute	Amount Due
November 5, 2013	CPT Code 01630-Qk-P3 (136 minutes) Anesthesia Services	\$389.87	\$389.86
	CPT Code 76942 Ultrasonic Guidance	\$261.25	\$261.25
	CPT Code 64415-59 Injection	\$0.00	\$0.00
TOTAL		\$651.12	\$651.11

FINDINGS AND DECISION

This medical fee dispute is decided pursuant to Texas Labor Code §413.031 and all applicable, adopted rules of the Texas Department of Insurance, Division of Workers' Compensation.

Background

1. 28 Texas Administrative Code §134.203 set out the fee guideline for the reimbursement of workers' compensation professional medical services provided on or after March 1, 2008.
2. The services in dispute were reduced/denied by the respondent with the following reason codes:
 - W1-02-Workers compensation state fee schedule adjustment.

- 18-DM-Duplicate claim/service. A reduction was made because the provider or a different provider has billed for the same service with different modifier or without a modifier on a previous bill.

Issues

1. Is the requestor entitled to reimbursement for code 01630-QK?
2. Is the requestor entitled to reimbursement for code 76942?

Findings

1. According to the explanation of benefits, the respondent denied reimbursement for code 01630-QK because it was a duplicate claim/service. The requestor noted that the anesthesia services were billed by the anesthesiologist and the CRNA for services provided to the injured worker.

28 Texas Administrative Code §134.203(a)(5) states "Medicare payment policies" when used in this section, shall mean reimbursement methodologies, models, and values or weights including its coding, billing, and reporting payment policies as set forth in the Centers for Medicare and Medicaid Services (CMS) payment policies specific to Medicare."

28 Texas Administrative Code 134.203(b)(1) states "For coding, billing, reporting, and reimbursement of professional medical services, Texas workers' compensation system participants shall apply the following: (1) Medicare payment policies, including its coding; billing; correct coding initiatives (CCI) edits; modifiers; bonus payments for health professional shortage areas (HPSAs) and physician scarcity areas (PSAs); and other payment policies in effect on the date a service is provided with any additions or exceptions in the rules."

28 Texas Administrative Code §134.203(c)(1) states, "...To determine to MAR for professional services, system participants shall apply the Medicare payment policies with minimal modification...For service categories of Evaluation & Management, General Medicine, Physical Medicine and Rehabilitation, Radiology, Pathology, Anesthesia, and Surgery when performed in an office setting, the established conversion factor to be applied is \$53.68..."

The requestor billed CPT code 01630-QK defined as "Anesthesia for open or surgical arthroscopic procedures on humeral head and neck, sternoclavicular joint, acromioclavicular joint, and shoulder joint; not otherwise specified."

The requestor billed the disputed anesthesiology service using the "QK" modifier that is described as "Medical direction of 2, 3, or 4 concurrent anesthesia procedures involving qualified individuals."

Medicare Claims Processing Manual, Chapter 12, Payment for Anesthesia Services, Section 50(C) states "The Part B Contractor determines payment for the physician's medical direction service furnished on or after January 1, 1998, on the basis of 50 percent of the allowance for the service performed by the physician alone. Medical direction occurs if the physician medically directs qualified individuals in two, three, or four concurrent cases."

To determine the MAR the following formula is used: (Time units + Base Units) X Conversion Factor = Allowance.

The Division reviewed the submitted medical bill and finds the anesthesia was started at 1030 and ended at 1246, for a total of 136 minutes. Per Medicare Claims Processing Manual, Chapter 12, Physicians/Nonphysician Practitioners, Payment for Anesthesiology Services Section (50)(G) states "Actual anesthesia time in minutes is reported on the claim. For anesthesia services furnished on or after January 1, 1994, the A/B MAC computes time units by dividing reported anesthesia time by 15 minutes. Round the time unit to one decimal place." Therefore, the requestor has supported $136/15 = 24.139.06$, the total time is 9.1.

The base unit for CPT code 01630 is 5.

The DWC Conversion Factor is \$55.3.

The MAR for CPT code 01630-QK is: (Base Unit of 5 + Time Unit of 9.1 X \$55.3 DWC conversion factor = \$779.73. Because used the QK modifier payment of 50% for the anesthesiologist; therefore, $\$779.73 \times 50\% = \389.86 Previously paid by the respondent is \$0.00. The difference between the MAR and amount paid is \$389.86.

2. The respondent denied reimbursement for code 76942 based upon reason code "W1."

28 Texas Administrative Code 134.203(b)(1) states "For coding, billing, reporting, and reimbursement of professional medical services, Texas workers' compensation system participants shall apply the following: (1) Medicare payment policies, including its coding; billing; correct coding initiatives (CCI) edits; modifiers; bonus payments for health professional shortage areas (HPSAs) and physician scarcity areas (PSAs); and other

payment policies in effect on the date a service is provided with any additions or exceptions in the rules.”

Per CCI edits, code 76942 is not a component of code 01630-QK; therefore, reimbursement is recommended.

Per 28 Texas Administrative Code §134.203(c)(1)(2), “To determine the MAR for professional services, system participants shall apply the Medicare payment policies with minimal modifications.

(1) For service categories of Evaluation & Management, General Medicine, Physical Medicine and Rehabilitation, Radiology, Pathology, Anesthesia, and Surgery when performed in an office setting, the established conversion factor to be applied is \$52.83. For Surgery when performed in a facility setting, the established conversion factor to be applied is \$66.32.

(2) The conversion factors listed in paragraph (1) of this subsection shall be the conversion factors for calendar year 2008. Subsequent year's conversion factors shall be determined by applying the annual percentage adjustment of the Medicare Economic Index (MEI) to the previous year's conversion factors, and shall be effective January 1st of the new calendar year. The following hypothetical example illustrates this annual adjustment activity if the Division had been using this MEI annual percentage adjustment: The 2006 Division conversion factor of \$50.83 (with the exception of surgery) would have been multiplied by the 2007 MEI annual percentage increase of 2.1 percent, resulting in the \$51.90 (with the exception of surgery) Division conversion factor in 2007.”

To determine the MAR the following formula is used: (DWC Conversion Factor/Medicare Conversion Factor) X Participating Amount = Maximum Allowable Reimbursement (MAR).

The 2013 DWC conversion factor for this service 55.3.

The Medicare Conversion Factor is 34.023.

Review of Box 32 on the CMS-1500 the services were rendered in zip code 77406, which is located in Richmond, Texas; therefore, the Medicare Participating Amount is based upon the locality of “Rest of Texas”.

The Medicare participating amount is \$192.04.

Using the above formula, the Division finds the MAR is \$312.14. The requestor is seeking \$261.25. The respondent paid \$0.00. As a result, the requestor is entitled to reimbursement of \$261.25.

Conclusion

For the reasons stated above, the Division finds that the requestor has established that additional reimbursement is due. As a result, the amount ordered is \$651.11.

ORDER

Based upon the documentation submitted by the parties and in accordance with the provisions of Texas Labor Code Sections 413.031 and 413.019 (if applicable), the Division has determined that the requestor is entitled to additional reimbursement for the services involved in this dispute. The Division hereby ORDERS the respondent to remit to the requestor the amount of \$651.11 plus applicable accrued interest per 28 Texas Administrative Code §134.130, due within 30 days of receipt of this Order.

Authorized Signature

Signature

Medical Fee Dispute Resolution Officer

02/05/2015

Date

YOUR RIGHT TO APPEAL

Either party to this medical fee dispute has a right to seek review of this decision in accordance with 28 Texas Administrative Code §133.307, effective May 31, 2012, 37 *Texas Register* 3833, **applicable to disputes filed on or after June 1, 2012.**

A party seeking review must submit a **Request to Schedule a Benefit Review Conference to Appeal a Medical Fee Dispute Decision** (form **DWC045M**) in accordance with the instructions on the form. The request must be received by the Division within **twenty** days of your receipt of this decision. The request may be faxed, mailed or personally delivered to the Division using the contact information listed on the form or to the field office handling the claim.

The party seeking review of the MDR decision shall deliver a copy of the request to all other parties involved in the dispute at the same time the request is filed with the Division. **Please include a copy of the *Medical Fee Dispute Resolution Findings and Decision*** together with any other required information specified in 28 Texas Administrative Code §141.1(d).

Si prefiere hablar con una persona en español acerca de ésta correspondencia, favor de llamar a 512-804-4812